

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**NINE STORIES, LLC, MARK HOLOUBEK,
and WILLOW HOLOUBEK,**

Plaintiffs,

vs.

**THE CITY OF DAVID CITY; ALAN
ZAVODNY, Mayor, in an individual and official
capacity; DANA TROWBRIDGE, in an
individual capacity; JAMES VANDENBERG,
JIM MASEK, JANIS CAMERON, PAM
KABOREK, and KEITH MARVIN, David City
Planning Commission Members, in individual
and official capacities; JOHN VANDENBERG,
JESSICA MILLER, BRUCE MEYSENBERG,
KEVIN HOTOVY, and PAT MEYSENBERG,
City Council Members, in their individual and
official capacities; TAMI COMTE, City Clerk
of David City, in an individual and official
capacity; CLAYTON KELLER, in his
individual and official capacity; MICHAEL
PAYNE, in his individual and official capacity;
BUTLER COUNTY; and BRIAN FLORAL, in
his individual and official capacity;**

Defendants.

4:25CV3016

ORDER TO SHOW CAUSE

Federal Rule of Civil Procedure 4(m) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

Plaintiffs filed the Complaint on January 17, 2025. (Filing No. 1). On February 17, 2025, Plaintiffs filed several summons returns for most of the defendants named in the Complaint. See Filing Nos. 9-22. Those defendants have filed motions to dismiss under Rule 12(b). See Filing Nos. 23, 24, 27. However, to date, it appears that Plaintiffs have not requested nor filed summons

returns for defendants Clayton Keller, Michael Payne, or Janis Cameron. More than 90 days has elapsed since the Complaint was filed, and the record does not demonstrate those defendants have been served, signed waivers of service, or entered a voluntary appearance in this case. Nor have Plaintiffs requested an extension of time to complete service of process. Accordingly,

IT IS ORDERED that Plaintiffs shall have until **May 13, 2025**, to show cause why this case should not be dismissed as to Defendants Clayton Keller, Michael Payne, and Janis Cameron pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or take other appropriate action. The failure to timely comply with this order may result in dismissal of this action as to Defendants Clayton Keller, Michael Payne, and Janis Cameron without further notice.

Dated this 22nd day of April, 2025.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge